

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
September 2, 2003**

PLACE: Room 206
Town Hall

TIME: 8:00 P.M.

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Spain, Kenny, Conze, Forman, Bigelow

STAFF ATTENDING: Ginsberg, Keating, Sarner

Chairman Damanti read the following agenda item:

Discussion of 2005 Town Plan of Conservation & Development

Discussion regarding the first draft of the first part the Environmental Resources Chapter. A brief presentation will be made by representatives from Fitzgerald & Halliday, Inc., the consultant who is assisting the Commission with this Chapter.

Two members of the Environmental Protection Commission were present as well as Town resident Dot Kelly to discuss this matter with the Commission. Also, Carol Gould and Jeff Bolton of Fitzgerald & Halliday presented highlights of the first draft of the Chapter to the Commission. They discussed existing resources, historical documentation, goals, policies, plans and an overview of the preliminary findings. They noted that Darien is somewhat of an “island of green” in a highly urbanized corridor. This is partly due to the historical development of the community based on its zoning and land use policies. The draft of the Environmental Resources Chapter discusses aquifers, watersheds, water quality and the relationship between impervious surfaces such as roof area, streets, parking lots and other hard surfaces to the overall water quality. Everyone agreed it would be interesting to have an analysis of various buildout scenarios using existing zoning to determine how additional impervious surfaces could or would impact water quality. Other items covered in the draft include inland wetlands, erodable soils, floodplains and coastal resources. Many of the goals and policies were drawn from the 1995 Plan and are updated to include current facts and new provisions of the statutes. There was some discussion about information about the water company and whether it would be appropriate to move that information into the utilities section of the Plan. Commission members felt it was important to address air and noise pollution problems as part of the environmental resources Chapter.

It was agreed that the interstate highway, I-95, has a tremendous impact on water quality, air quality, noise and chemical (salt) pollution. It was noted that other factors such as underground oil and fuel tanks and previously contaminated sites can have impacts on groundwater.

Proper maintenance of streets and roads will become an increasingly important factor in the programs to minimize pollution. Since approximately 27% of Darien’s roads are privately owned and maintained, there is a need for education of those private homeowners’ associations regarding how best to maintain the streets and drainage systems. The Commission will need to make an effort to make water quality issues known to the private associations and the general public.

Commission members agreed that it would be appropriate to add a number of terms to a glossary and add a number of references such as web sites to the Plan of Conservation and Development.

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There was some discussion about the invasive plant species that are not native to the area and which have been introduced to wetlands and upland areas. These invasive species are able to crowd out other species and frequently make a monoculture (only one species of plants surviving in an area) that is not conducive to good wildlife habitat or good open space management.

After further discussion and comments, it was agreed that any further comments regarding the draft should be given to the Director of Planning, Jeremy Ginsberg, who will forward them on to the consultant so that those comments can be incorporated into the next draft.

The Commission took a brief recess from 10:05 until 10:10 p.m. The meeting resumed at 10:10 p.m. Chairman Damanti read the following agenda item:

Amendment of Special Permit Application #203-A, Aux Delices, Inc., 25 Old King's Highway North. Proposing to relocate from their currently approved location within the Goodwives Shopping Center (approved by the Commission on July 22, 2003) to the space formerly occupied by PD Photo within the Goodwives Shopping Center. The subject property is on the south side of Old King's Highway North, approximately 150 feet southwest of its intersection with Brookside Road, and is shown on Tax Assessor's Map #71, as Lot #19, in the DC Zone.

Mr. Ginsberg explained that the operators of Aux Delices attempted to finalize their lease arrangement with the operators of Goodwives Shopping Center after the Planning & Zoning Commission had granted the Special Permit. The operators of the Shopping Center felt that the original location, tucked in the corner next to Shaw's Grocery Store would not be appropriate for Aux Delices and so they would like the Aux Delices operation to be located in the space that had formerly been occupied by PD Photo. The Commission Members discussed the change of location. They noted that there would still be a total of only eight seats, indoors and outdoor. The following motion was made: that the Commission approve the modification regarding the relocation of the Aux Delices operation. The motion was made by Mr. Kenny, seconded by Mr. Bigelow and unanimously approved.

Chairman Damanti read the following agenda item:

Land Filling & Regrading Application #108, Margaret McLaughlin, 5 Laforge Road. Request to place approximately 1 ½ cubic yards of fill adjacent to swimming pool within 15 feet of the property line.

Mr. Ginsberg reviewed the site conditions and noted that the initial plan was to install the small swimming pool completely into the ground. As construction proceeded, the applicants decided that the pool should be raised above the ground and now they wish to do some filling around the pool. One proposal would be to fill the area between the patio and the pool and to have the outside walls of the pool act as retaining walls. That would require very little fill and would have no impact on any adjacent properties. A different version of the plan would involve constructing new retaining walls parallel to the property lines and creating more flat backyard. This would require substantially more fill.

The Commission members reviewed the drawings and plans and discussed the situation. They agreed that the small project involving 1½ cubic yards of fill material between the patio and the

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pool could proceed with staff review and action and it would not require a public hearing or further action by the Planning & Zoning Commission. If the applicant proposes to implement the second version of the project, then a Public Hearing would be necessary because it would involve substantially more fill and the fill would be closer to the property lines. The Commission Members noted that an engineering report would also be necessary to make sure that the applicant is able to properly deal with storm water runoff and drainage so that there would be no negative impacts to the neighboring properties. The following motion was made: that the Planning & Zoning Commission authorize staff to act upon the first version of the project which involves only 1½ cubic yards of fill and to conclude that substantially additional information is necessary and a Public Hearing will be necessary if the applicant wishes to proceed with the second version of the plan. The motion was made by Mr. Damanti, seconded by Mr. Spain and unanimously approved.

Chairman Damanti read the following agenda item:

Amendment of Coastal Site Plan Review #175, Flood Damage Prevention Application #187, Stephen Wiggins, 12 North Road.

Proposal to install eleven foot diameter spa into the southwest corner of the porch.

Mr. Ginsberg reviewed McKee Patterson's letter about the applicant's wish to install an 11 foot diameter spa or hot tub and that part of this structure will be within the flood hazard zone. They have submitted the necessary engineering data to indicate that the spa will not be damaged by flood conditions. They have also submitted forms signed by the neighbors indicating that the neighbors have no objection. There was a question about the precedent that would be set by the installation of a pool in the flood zone. Zoning Officer David Keating said that swimming pools are frequently located in flood zones but the equipment must be elevated above the expected flood level so that the equipment is not damaged during floods.

There being no further comments, the following motion was made: that the Commission approve the plans for the installation of the spa at the Wiggins' property. The motion was made by Mrs. Forman, seconded by Mr. Bigelow and unanimously approved.

Chairman Damanti read the following agenda item:

Coastal Site Plan Review #110-B, Flood Damage Prevention Application #98-B, Eagle Rock, Ltd. (Mark & Brenda Thompson contract purchasers), 33 Searles Road.

Proposal to install a new water line to replace the existing line which is now broken.

Mr. Ginsberg explained the plan to replace a water line and that the amount of disturbance will be kept to a minimum. Commission members reviewed the plans. The following motion was made: that the Commission approve the project for the installation of a new water line. The motion was made by Mr. Kenny, seconded by Mr. Spain and unanimously approved.

Approval of Minutes

July 8, 2003 Public Hearing/General Meeting

The following motion was made: that the minutes be adopted as presented. The motion was made by Mr. Conze, seconded by Mrs. Forman and unanimously approved.

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July 22, 2003 Public Hearing

Several typographical errors were discussed and everyone agreed to the correction of these mistakes. The following motion was made: that the corrected minutes be adopted. The motion was made by Mrs. Forman, seconded by Mr. Bigelow and unanimously approved.

There being no further business, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

David J. Keating
Assistant Director of Planning & Zoning

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